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In The
SUPREME COURT OF THE UNITED STATES

October Term, 1965

No. [redacted] 900

MICHELE H. BATES
dba FRATELLI'S RESTAURANT,
Petitioner,

Vs.

BOARD OF LIQUOR CONTROL
and
DEPARTMENT OF LIQUOR CONTROL,
STATE OF OHIO
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO.

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PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO.

The petitioner, Michele H. Bates, dba Fratelli's Restaurant, prays that a writ of certiorari issue to review the judgment of the Supreme Court of Ohio, entered in the above-entitled case on March 3, 1965.

OPINIONS BELOW.

The Court of Common Pleas of Franklin County, Ohio, did not render an opinion as such but rendered merely an order or finding, which is unreported and is reported in Appendix A to this petition, infra, p. 12. The opinion of the Court of Appeals of Franklin County, Ohio, is also unreported and is printed in Appendix A to this petition, infra, p. 14. The Supreme Court of the State of Ohio also did not render a written opnion in this case, but rendered merely orders overruling herein Appellant's Motion for an order directing the Court of Appeals for Franklin County, Ohio, to certify its record and dismissal of herein Appellant's Appeal and are printed in Appendix A, infra, p. 21 - 22.

JURISDICTION.

The judgment of the Supreme Court of the State of Ohio is dated March 3, 1965. The jurisdiction is invoked under 28 U. S. C. Section 1257 (3), since the petitioner is claiming rights, privileges or immunities under the due process and equal protection provisions of the Fourteenth Amendment of the Constitution of the United States, together with a claim of a violation by the State of Ohio of the Fourth Amendment of the Constitution of the United States, providing the rights of persons to be secure in their persons, houses, papers and effects.

QUESTIONS PRESENTED.

1.) Whether or not a search and seizure warrant is a prerequisite for agents and/or employees of the Department of Liquor Control, State of Ohio, or any police officer acting under authority of Section 4301.66 of the Revised Code of Ohio to make inspection or search of any place, other than a bona fide private residence in determining whether or not the liquor laws of the State of Ohio have been violated in view of the provisions of the Fourth Amendment of the Constitution of the United States, and of the Fourteenth Amendment, Section 1, to the Constitution of the United States, as well as the Fifth Amendment to the Constitution of the United States?

2.) Whether or not the Court of Appeals for Franklin County, Ohio, abused its direction in refusing to permit the petitioner, Michele H. Bates, to file her assignments of error and brief after she changed attorneys at law, and even though much time had passed so as to allow her her day in Court?

CONSTITUTIONAL PROVISIONS INVOLVED.

Fourth Amendment to the Constitution of the United States: "Amendment IV: Searches and Seizures: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Fourteenth Amendment, Section 1, of the Constitution of the United States: "Amendement XIV: Rights of Citizens: Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the Unted States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

Fifth Amendment to the Constitution of the United States: "Amendment V: No person . . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law . . ."

STATUTE INVOLVED.

The statutory provisions involved are Section 4301.66 of the Revised Code of Ohio, and Section 4301.99(E) of the Revised Code of Ohio:

"Section 4301.66 of the Revised Code of Ohio. Obstructing Search of Premises Prohibited. No person